

Hingtgen, Robert J

From: Brazell, Kenneth J
Sent: Wednesday, September 10, 2014 8:07 AM
To: Fogg, Mindy; Hingtgen, Robert J
Subject: Fwd: Franchise Agreement for TDS Solar Project

Sent from my iPhone

Begin forwarded message:

From: "Brazell, Kenneth J" <Kenneth.Brazell@sdcounty.ca.gov>
Date: September 9, 2014 at 6:57:14 PM PDT
To: Patrick Brown <patrick.brown@soitec.com>, "Real, Sami" <Sami.Real@sdcounty.ca.gov>
Cc: "Fogg, Mindy" <Mindy.Fogg@sdcounty.ca.gov>, "Gungle, Ashley" <Ashley.Gungle@sdcounty.ca.gov>, "Gade, Derek" <Derek.Gade@sdcounty.ca.gov>, "Gade, Derek" <Derek.Gade@sdcounty.ca.gov>, "Herzberger, Thomas" <Thomas.Herzberger@sdcounty.ca.gov>, "Witt, William" <William.Witt@sdcounty.ca.gov>, "Mehnert, Paul J" <Paul.Mehnert@sdcounty.ca.gov>, "Bosworth, Thomas L" <Thomas.Bosworth@sdcounty.ca.gov>, "Hennis, David" <David.Hennis@sdcounty.ca.gov>
Subject: RE: Franchise Agreement for TDS Solar Project

The issue with regard to non-public utilities, not operating under the California Public Utilities Commission's umbrella, utilizing County of San Diego (County) maintained public road rights-of-way has come up in the past. There needs to be an agreement negotiate with the Department of Public Works to provide compensation to the County for the use of the aforementioned rights-of-way. SDG&E has such a franchise agreement with the County. Prior to the Department of Planning & Development Services imposing such a condition on a discretionary project such as yours, there would have to be a consensus from County stakeholders that they support the type of encroachments suggested within County rights-of-way, and the respective compensation and guarantees.

The franchise agreement would most likely be negotiated in accordance with the authority granted to the County by Government Code 26001 and the Franchise Act of 1937, PUC 6201, et seq. The Franchise Act of 1937 requires both a Resolution of Intention to award a franchise and the adoption of an ordinance by the County Board of Supervisors (PUC 6232 & 6234).

We would be happy to discuss the proposal with you further, but require much more specificity and a meeting.



KENNETH J. BRAZELL, Project Manager, M. ASCE
Department of Planning & Development Services Land Development Division
5510 Overland Avenue, 3RD Floor, Suite 310, Mail Station 0650
San Diego, Ca 92123

Office Tel: (858) 694-2728
Fax: (858) 694-8928
Email: Kenneth.Brazell@sdcounty.ca.gov
Cell: (858) 204-9133

PLEASE NOTE: Our new building is located off Farnham Street, just west of the new parking structure.

From: Patrick Brown [<mailto:patrick.brown@soitec.com>]
Sent: Tuesday, September 09, 2014 5:26 PM
To: Real, Sami; Brazell, Kenneth J
Cc: Fogg, Mindy; Gungle, Ashley; Gade, Derek
Subject: Franchise Agreement for TDS Solar Project

Hello Sami and Ken,

Soitec is moving forward with the Tierra del Sol Solar project in Boulevard that requires a franchise agreement. We would like to start the negotiations on a franchise agreement for about .30 of mile of underground 138 kv transmission line that would be located in the public right of way. We have a draft agreement that we would like to share with you to start the commercial negotiations. We ran this by Tom Bosworth and he said it needed to go through PDS and Land Development. Please let me know how we can advance this activity.

Patrick Brown | Permitting Manager | Solar Energy Business Unit | Soitec M. +1 619 733 2649
Patrick.Brown@Soitec.com | www.soitec.com | **Soitec | 16650 Via Esprillo San Diego, CA 92127**
(USA)

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